



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 21, 1995

Mr. Charles H. Weir
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR95-1555

Dear Mr. Weir:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. The request was assigned ID# 32646.

The City of San Antonio (the "city") received a request for information about what you assert to be an ongoing murder investigation. You submitted responsive documents to this office, which you contend are excepted from disclosure under section 552.108 of the Government Code.

When applying section 552.108, this office distinguishes between cases that are still under active investigation and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, section 552.108 excepts from disclosure all information except that generally found on the first page of the offense report. *See Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist. 1975], writ ref'd n.r.e. per curiam, 586 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). For your convenience, we have enclosed a list showing the type of information that is generally found on the first page of an offense report. You must release this type of information even if it is not actually found on the first page of the police offense report.

Since you indicate this is an ongoing murder investigation, you may withhold the other information at issue, except for the submitted information which appears to be part of an autopsy report. Autopsy reports are expressly made public under section 11, article 49.25 of the Code of Criminal Procedure and may not be withheld from disclosure. *See* Open Records Decision No. 529 (1989). Section 552.108 is applicable while the case is being investigated until it is closed through prosecution. Attorney General Opinion MW-446 (1982) at 2.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID# 32646

Enclosures: Submitted documents
Summary of Open Records Decision No. 127

cc: Ms. Ollievera Johnson
4901 Hunt Moor
San Antonio, Texas 78220
(w/o enclosures)